

E-filed 6/5/07

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1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3

4 JONATHAN C. KALTWASSER, on
5 behalf of himself and all others similarly
6 situated,

7 Plaintiffs,

8 v.

9 AT&T MOBILITY LLC f/k/a CINGULAR
10 WIRELESS LLC,

11 Defendant.

CASE NO. 5:07-cv-00411-JF

**SECOND STIPULATION FOR ORDER
CHANGING TIME PURSUANT TO
NORTHERN DISTRICT LOCAL RULE 6-2**

12 **STIPULATION**

13 **WHEREAS**, Plaintiff Jonathan C. Kaltwasser ("Plaintiff") filed the above-entitled action
14 in the United States District Court for the Northern District of California on January 22, 2007 and
15 served Defendant on January 29, 2007;

16 **WHEREAS**, under applicable rules, prior Court order, and pursuant to the parties'
17 previous stipulations, the Defendant must answer, move against, or otherwise respond to the
18 Complaint no later than June 15, 2007;

19 **WHEREAS**, the parties continue to desire to determine if they can reach a mutually
20 acceptable resolution through the exchange of information and negotiation.

21 **WHEREAS**, in seeking to reach a mutually acceptable resolution through the exchange of
22 information and negotiation, Defendant has disclosed and produced to Plaintiff more than
23 100,000 pages of information in response to Plaintiff's requests.

24 **WHEREAS**, in seeking to reach a mutually acceptable resolution through the exchange of
25 information and negotiation, Plaintiff requires additional time to review and analyze the more
26 than 100,000 pages of information produced by Defendant prior to continuing discussions toward
27 a resolution of this action with Defendant.
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1 **WHEREAS**, Defendant would like to preserve its ability to move to compel arbitration in
2 the case with the understanding that Plaintiff will likewise preserve his right to oppose any such
3 motion.

4 **WHEREAS**, under Northern District Local Rule 6-2, parties may file a stipulation
5 requesting an order changing time that would affect the date of an event or deadline already fixed
6 by Court order.

7 **WHEREAS**, the present deadlines set forth in this case pursuant to the March 9, 2007
8 “Order Changing Time Pursuant to Northern District Local Rule 6-2” are June 18, 2007 (ADR
9 and meet and confer); July 2, 2007 (26(f) report, Case Management Statement and Initial
10 Disclosures); and July 13, 2007 (Initial Case Management Conference).

11 **WHEREAS**, the parties would like to stipulate to allow Defendant until July 30, 2007 to
12 answer, move against, or otherwise respond to the Complaint (which includes moving to compel
13 arbitration).

14 **WHEREAS**, the parties would like an order extending the deadlines for their ADR
15 submission, 26(f) Report-Case Management Statement-Initial Disclosures, and Initial Case
16 Management Conference for two months. The new deadlines would be: ADR papers and meet
17 and confer by August 20, 2007; 26(f) report-Case Management Statement-Initial Disclosures by
18 September 3, 2007, and the Initial Case Management Conference to be scheduled in September
19 2007.

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THEREFORE, IT IS HEREBY STIPULATED AND REQUESTED THAT Defendant shall have until July 30, 2007 to answer, move against, or otherwise respond to the Complaint (which includes moving to compel arbitration). In addition, the following new deadlines would be put in place: ADR papers and meet and confer by August 20, 2007; 26(f) report-Case Management Statement-Initial Disclosures by September 3, 2007, and the Initial Case Management Conference to be scheduled in September 2007.

s/ Joseph N. Kravec (w/ express permission)

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JONATHAN C. KALTWASSER, on
behalf of himself and all others similarly
situated,

Plaintiffs,

v.

AT&T MOBILITY LLC f/k/a CINGULAR
WIRELESS LLC,

Defendant.

CASE NO. 5:07-cv-00411-JF

**[PROPOSED] SECOND ORDER
CHANGING TIME PURSUANT TO
NORTHERN DISTRICT LOCAL RULE 6-2**

For good cause shown and to encourage resolution and exchange of information between the parties, Defendant shall have until July 30, 2007 to answer, move against, or otherwise respond to the complaint (which includes moving to compel arbitration).

In addition, the following new deadlines are established:

- 1) ADR papers and meet and confer by August 20, 2007;
- 2) 26(f) report-Case Management Statement-Initial Disclosures by September 3, 2007; and
- 3) The new date for the Initial Case Management conference is September 21 2007.

6/5/07



Honorable Jeremy Fogel
United States District Court
Northern District of California

ATLANTA:4911194.3

PROOF OF SERVICE

I am a citizen of the United States and employed in the County of San Francisco, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 101 California Street, 41st Floor, San Francisco, California 94111.

On **June 1, 2007**, I electronically filed the:

***Second Stipulation for Order Changing Time
Pursuant To Northern District Local Rule 6-2; [Proposed] Order***

with the Clerk of the United States District Court - Northern District of California, via the Court's electronic court filing system (ECF). The Court will generate email notification to all attorneys of record participating in this case via ECF. Participating attorneys currently are:

David L. Balser, Esq., McKenna Long & Aldridge LLP
Nathan L. Garroway, Esq., McKenna Long & Aldridge LLP
Felicia Y. Feng, Esq., McKenna Long & Aldridge LLP
Ira Spiro, Esq., Spiro Moss Barness & Barge, LLP
Michael David Braun, Esq., Braun Law Group PC
Joseph Kravec, Esq., Specter Specter Evans & Manogue PC

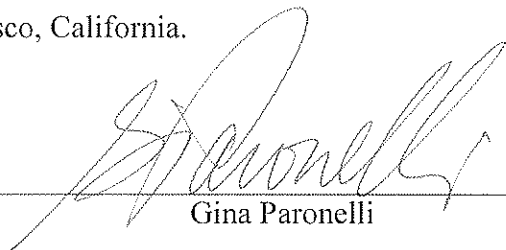
For those served by U.S. Mail, I am readily familiar with this firm's practice for collection and processing of correspondence for mailing with the United States Postal Service. On this date I placed with this firm at the above address for deposit with the United States Postal Service, a true and correct copy of the document stated above, in a sealed envelope, postage fully paid, addressed as follows:

Jane Lindner Spielberg, Esq.
Law Office of Janet Lindner Spielberg
12400 Wilshire Boulevard, Suite 400
Los Angeles, CA 90025

Following ordinary business practices, the envelope was sealed and placed for collection and mailing on this date, and would, in the ordinary course of business, be deposited with the United States Postal Service on this date.

1 I declare under penalty of perjury under the laws of the State of California that the above
2 is true and correct.

3 Executed on **June 1, 2007**, at San Francisco, California.

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Gina Paronelli